

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE GOOGLE DIGITAL ADVERTISING  
ANTITRUST LITIGATION

21-md-3010 (PKC)

ORDER

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CASTEL, District Judge:

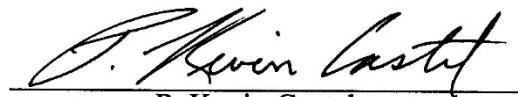
What's wrong with the picture? Would-be amici the Publisher Plaintiffs have been parties to this MDL since its inception. The Court's briefing schedule on Google's motion to dismiss the States' Third Amended Complaint was set on October 13, 2021, with full knowledge on the part of the Publisher Plaintiffs. Upon the setting of the schedule, Publisher Plaintiffs did not seek leave to file a brief in opposition to the motion. Google's motion to dismiss was filed on January 21, 2022. Upon receipt of the motion, Publisher Plaintiffs did not seek leave to file a brief in opposition nor did they do so in the two months following the filing of the motion. The States filed a response to the motion to dismiss on March 22 and on March 24 the Publisher Plaintiffs sought leave to file a brief as amici, annexing to their motion a fully drafted 33-page brief in opposition to the motion to dismiss.

The reader of this curious chronology may form his or her own opinion of what happened and why. Did the Publisher Plaintiffs have their first opportunity to review the States' brief on March 22, find it wanting and proceed to draft the 33-page brief in the ensuing 48 hours with no advance plan to do so? Or did Publisher Plan to do so all along but simply decided not to inform the Court or seek advance permission?

As the Court explained, the States' Third Amended Complaint is a bellwether for the pleadings of other plaintiffs (to the extent applicable to a private party's claim) and so the brief of the Publisher Plaintiffs (Doc 267-3) will be deemed filed on their behalf as parties to the

MDL. Google's date for reply is extended to May 5, 2022 and its page limit increased to 30 pages.

SO ORDERED.



P. Kevin Castel  
United States District Judge

Dated: New York, New York  
April 6, 2022